IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15839 of 2005

Between:

Sri Sevadas Vidyamandir High School, Adilabad , Rep by its Head Master and Correspondent, Sri va.Venkata Swamy, S/o. V.Narasimhulu, 42 Yeras, R/o.Tantoli Road , Adilabad.

..... PETITIONER

AND

1. The Govt of A.P., Rep by its Secretary, School Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Eductaion, A.P, Hyderabad.
3. The District Educational Officer, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially Writ of Mandamus declaring the action of the respondents in not allowing the petitioner school to go ahead with selection process as per the permission accorded by the Competent authority as illegal, arbitrary and unjust and consequently direct the Respondents to commence the selection process to fill up the Secondary Grade Teacher post in petitioner school, not withstanding the ban imposed under the Memo dt.20-10-2004 forthwith.

Counsel for the Petitioner: MR.RAJ KUMAR RUDRA

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the action of the respondents in not allowing the petitioner-Management to go ahead with the selection process to fill up the vacant post of Secondary Grade Teacher (SGT), even though the third respondent issued proceedings dated 03.06.2003 approving the proposals sent by the petitioner for filing up the said vacancy.

The grievance of the petitioner-Management is that the respondents are not allowing it to fill up the said vacancy in view of the ban imposed by the Government on 20.10.2004. According to the petitioner, as the approval was granted prior to the date of the ban, the ban has no application. Therefore, it sought for appropriate orders.

The learned Government Pleader for School Education however opposed the contention of the learned counsel for the petitioner.

Heard both sides and considered the material on record.

The issue is whether the petitioner is entitled to go ahead with the selection process to fill up the vacant SGT post which fell vacant in the year 2003. According to the petitioner, as the post fell vacant in the year 2003, proposals were submitted to the third respondent on

16.05.2003 seeking approval. The third respondent in turn passed an order on 03.06.2003 approving the same. However, now the respondents are objecting for filling up the said vacancy.

This Court has already decided similar issue and held that the approval granted with reference to any vacant post prior to the date of ban, the ban imposed by the Government on 20.10.2004 has no application. In the present case, admittedly, the approval was granted on 03.06.2003 and therefore the ban has no application.

Therefore, the respondents are directed to allow the petitioner-Management to complete the selection process for filling up the post of SGT.

The writ petition is accordingly disposed of. No costs.

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21.07.2005

VGB

To

1. The Secretary, Govt. of A.P., School Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Eductaion, A.P, Hyderabad.
3. The District Educational Officer, Adilabad.
4. 2CCs to the Government Pleader for School Education, High Court

Buildings, Hyderabad. (OUT)

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